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CORPORATION, ALAIN LABAT, KYLE PARK, MDV VII, L.P., and
SEVENTH MDV PARTNERS L.L.C.

E-FILED - 1/21/09

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RYUICHI HIRAIDE

Plaintiff,

v.

VAST SYSTEMS TECHNOLOGY
CORPORATION, ALAIN LABAT and
KYLE PARK, MDV VII, L.P. as nominee
for: MDV VII, L.P., MDV VII Leaders
Fund, L.P., MDV Entrepreneurs Network
Fund VII (A) LP. And MDV Entrepreneurs,
Network Fund VII (B) L.P., MDV Partners
L.L. and Seventh MDV Partners L.L.C.

Defendants.

Case No. C08-04714 RMW (PVT)

**STIPULATION AND []
ORDER SETTING SCHEDULE FOR
PLAINTIFF'S AMENDED COMPLAINT
AND FOR BRIEFING ON
DEFENDANTS' MOTION TO DISMISS**

1 WHEREAS, on October 10, 2008, plaintiff filed his Complaint for Damages, Declaratory
2 and Injunctive Relief ("Complaint"); and

3 WHEREAS, plaintiff served defendants on or after October 20, 2008; and

4 WHEREAS, under the Federal Rules of Civil Procedure, defendants' response to the
5 Complaint was due on or before November 10, 2008, and defendants indicated that they intended
6 to move to dismiss the Complaint; and

7 WHEREAS, the Court entered a stipulated briefing schedule under which: (1)
8 defendants' motion to dismiss was due on December 5, 2008; (2) plaintiff's opposition was due
9 on January 19, 2009; (3) defendants' Reply was due on February 2, 2009; and (4) the matter was
10 scheduled to be heard on February 13, 2009; and

11 WHEREAS, defendants filed their motion to dismiss on December 5, 2008; and

12 WHEREAS, plaintiff has indicated that he intends to file an amended complaint pursuant
13 to Rule 15(a)(1) of the Federal Rules of Civil Procedure; and

14 WHEREAS, the parties have met-and-conferred on an acceptable schedule for plaintiff's
15 amended complaint and defendants' motion to dismiss the amended complaint.

16 THEREFORE IT IS HEREBY STIPULATED AND AGREED, by and between the
17 parties through their counsel of record:

18 1. Plaintiff shall file his Amended Complaint on or before February 6, 2009.

19 2. The February 13, 2009, hearing on defendants' motion to dismiss plaintiff's original
20 Complaint shall be taken off calendar.

21 3. Defendants shall file their motion to dismiss plaintiff's Amended Complaint on or
22 before March 13, 2009.

23 4. Plaintiff shall file his opposition to defendants' motion to dismiss on or before April
24 10, 2009.

25 5. Defendants shall file their reply in support of their motion to dismiss on or before April
26 24, 2009.

27 6. The hearing on defendants' motion to dismiss shall be held on May 8, 2009, or as soon
28 thereafter as counsel may be heard.

7. The initial case management conference in this matter, currently scheduled for February 20, 2009, shall be continued to May 8, 2009, or as soon thereafter as counsel may be heard.

IT IS SO STIPULATED.

Dated: January 15, 2009

MURRAY & HOWARD, LLP

By: /s/ Derek G. Howard
DEREK G. HOWARD

Attorney for Plaintiff RYUICHI HIRAIDE

Dated: January 15, 2009

O'MELVENY MYERS LLP

By: /s/ Dhaivat H. Shah
DHAIVAT H. SHAH

Attorney for Defendants VAST SYSTEMS
TECHNOLOGY CORPORATION, ALAIN
LABAT, KYLE PARK, MDV VII, L.P., and
SEVENTH MDV PARTNERS L.L.C.

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 1/21, 2009


HON. RONALD M. WHYTE
UNITED STATES DISTRICT JUDGE

I, Dhaivat H. Shah, am the ECF User whose ID and password are being used to file this Stipulation and Proposed Order Setting Briefing Schedule. In compliance with General Order 45, X.B., I hereby attest that Derek G. Howard has concurred in this filing.

By: /s/ Dhaivat H. Shah
DHAIVAT H. SHAH

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